

United States Court of Appeals
For the Eighth Circuit

No. 17-2197

United States of America

Plaintiff - Appellee

v.

Michael A. Sheehan

Defendant - Appellant

Appeal from United States District Court
for the Western District of Missouri - Springfield

Submitted: January 26, 2018

Filed: February 14, 2018

[Unpublished]

Before BENTON, MURPHY, and ERICKSON, Circuit Judges.

PER CURIAM.

Michael Sheehan directly appeals after he pled guilty to being a felon in possession of a firearm, and the district court¹ sentenced him as an armed career

¹The Honorable M. Douglas Harpool, United States District Judge for the Western District of Missouri.

criminal. His counsel has moved for leave to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), questioning the reasonableness of Sheehan's sentence, but conceding that an appeal waiver in the plea agreement is applicable.

We conclude that the appeal waiver is enforceable. See United States v. Scott, 627 F.3d 702, 704 (8th Cir. 2010) (de novo review of validity and applicability of appeal waiver). Sheehan concedes that he entered into the plea agreement and the appeal waiver knowingly and voluntarily, the arguments on appeal fall within the scope of the waiver, and no miscarriage of justice would result from enforcing the waiver. See United States v. Andis, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc). In addition, having independently reviewed the record under Penson v. Ohio, 488 U.S. 75 (1988), we find no non-frivolous issues for appeal outside the scope of the waiver. Accordingly, we grant counsel's motion to withdraw, and we dismiss this appeal.
